IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL WRIT PETITION NO.1253 OF 2004

Popat Eknath Bodke — Petitioner

Vs.

1. The Superintendent of Police & ors. — Respondents

Mr. Ashok G. Toraskar for Petitioner.
Ms. A.S. Pai, APP for State.

CORAM : S.S. PARKAR & R.S. MOHITE, JJ.

Date : September 09, 2004.

P.C.:

1. Pursuant to our order dated 3rd September, 2004, Jyoti Popat Bodke, the daughter of the petitioner was produced before us today by the Superintendent of District Probation & After care Association, Observation Home, Solapur.

2. We interviewed Jyoti at length in the absence of the petitioner as well as the counsel on both sides. From what she told us it appears that she is reluctant to go to her parents' house and would like to continue to stay in remand home where she has been kept under the orders of the Magistrate after she was arrested by

the police along with respondent no.2 with whom she had eloped. According to her she had gone with respondent no.2 of her own volition and she had secured employment before she was arrested and kept in remand home in the month of August, 2004. According to her she would be tortured by her parents and in particular the petitioner, who is her father, if she is directed to go and stay in her parents' house because of her elopement with respondent no.2. We had also interviewed petitioner separately as well as in the presence of his daughter, Jyoti. We had also permitted petitioner and Jyoti to meet separately and have a talk among them today if they so wished. But Jyoti is absolutely reluctant to have any talk with her father.

3. In the aforesaid circumstances and pursuant to the interview we had with Jyoti, the daughter of the petitioner, we are not inclined to send Jyoti to the petitioner's house. She is absolutely reluctant to go to petitioner's house as she apprehends that she may be harassed. She has further stated that she is absolutely happy with respondent no.2 and she wanted to get married to him only. We are informed that the criminal case filed by the petitioner against the respondent nos.2 to 11 is pending in the Court of

Additional Sessions Judge, Pandharpur.

4. In the circumstances, we see no reason to pass any order in this writ petition to hand over custody of Jyoti to the petitioner. The petitioner and his wife i.e. parents of Jyoti are entitled for seeing Jyoti once in a week i.e. on every Tuesday for half an hour before 6.00 p.m. The Petition shall stand disposed of accordingly.

(S.S. Parkar, J.)

(R.S. Mohite,J.)